

The 190th Anniversary *of the*
United States District Court in Illinois:

A Celebration of the
Federal Judiciary's Contributions
to Illinois and the Nation



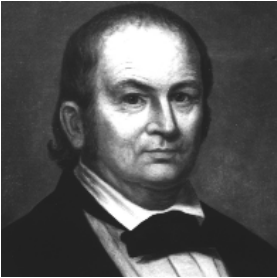
First Federal Courthouse in Chicago 1860-1871
Dearborn and Monroe Streets

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*by Jeffrey Cole**

It is hard to imagine that 200 years ago what are now Illinois, Indiana, Ohio, Wisconsin, Michigan and part of Minnesota existed only as the great Northwest Territory. Later, the Northwest Territory was divided into the Ohio and Indiana Territories, the latter encompassing what is today the State of Illinois. Still later, in 1809, the western portion of the Indiana Territory was designated the Illinois Territory. In 1819, the year after Illinois was admitted to the Union, Congress established the United States District Court for the District of Illinois, with one District Judge, Nathaniel Pope. Abraham Lincoln was only 10 years old, and Chicago would not be incorporated as a city for two decades.



Judge Nathaniel Pope

Having no staff and no courthouse, Judge Pope held court in Kaskaskia and later at Vandalia and Springfield. His docket was comprised largely of uncomplicated debtor-creditor disputes and claims made under ancient colonial land grants. In 1848, Congress authorized the Court to hold one session annually in Chicago. There being no courthouse, however, Judge Pope sat at the law offices of Morris & Brown



Salon Building ("Saloon Building")

on West Lake Street. His successor in 1850, Thomas Drummond, preferred the law offices of Manierre & Meeker or Meeker's nearby vacant store. Later, he held court on the third floor of the Salon Building on West Lake Street and at the Larmon Building at the northeast corner of Clark and Washington on what is now a corner of Daley Plaza. The first federal courthouse in Chicago would not

be opened until 1860 at the northwest corner of Dearborn and Monroe. It was a splendid three-story building which was demolished in 1871 by the Great Chicago Fire. After occupying several facilities on a temporary basis, the federal courts – which included the Court of Appeals – moved into Chicago's second federal building and courthouse in 1880.

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U.S. Post Office, Customs House, and Courthouse - Chicago, 1864

The building, which also housed the Post Office and Custom House, was located on the block bounded by Clark, Adams, Dearborn and Jackson. That courthouse closed in 1896. The federal courts were again without a dedicated courthouse building for the next nine years until 1905, when a new federal courthouse opened in Chicago at 225 South Clark Street. The *Chicago Tribune* referred to the new courthouse as the

“granite octopus.” That building was home to the United States District Court in Chicago from 1905 until 1964, when the current United States Courthouse opened at 219 South Dearborn Street.

In 1855, the United States District Court for Illinois was divided into the Northern and Southern Districts with Chicago as the home of the Northern District and Springfield as the Southern District’s seat. Each district was authorized one judgeship. In 1905 Congress established the Eastern District of Illinois. This configuration remained until 1978 when Congress reorganized Illinois into the Northern, Central and Southern Districts of Illinois.

From these modest beginnings, the federal judiciary in Illinois has grown dramatically. There are now a total of 44 District Judges (including Senior Judges) in the Northern, Southern and Central Districts and 18 Magistrate Judges and 16 Bankruptcy Judges. More important is the significantly increased role the federal judiciary has come to play over the last century. It is not an exaggeration to say that the federal judiciary has become one of the dynamic and progressive forces that has helped shape the economic development and social values of the United States. Indeed, the history of the federal judiciary is so intertwined with and a part of the history of the Nation that the story of one cannot be told effectively without reference to the other. Not even the most prescient of the founding fathers or the drafters of the Judiciary Act of 1789 could have envisioned the expansive and integral role that the federal courts have come to play in our national life. Today, it can confidently be said that the federal judiciary has truly become a co-equal branch of our tripartite system of government and that it bears the basic responsibility for protecting individuals against unconstitutional invasions of their rights by all branches of the Government.

*U.S. Court House, 1841*

The Court's Early Years: 1819 - 1920

Initially, our current system of trial in the District Court and review by judges of the Circuit Courts of Appeals did not exist. That stratification would not occur until around the turn of the century. Under the Judiciary Act of 1789, passed by the first Congress, the District Courts and Circuit Courts were courts of original jurisdiction depending on the subject matter. At the time there were no Circuit Court judges as we know them today. In

those cases where there was jurisdiction in the Circuit Court (i.e., diversity cases, patent, trademark and copyright infringement cases, public lands cases, and review of decisions of the District Court) the case was heard by the Circuit Justice of the Supreme Court of the United States and by the District Judge. The District Courts had original jurisdiction in admiralty, bankruptcy and over federal crimes other than capital offenses, jurisdiction over the latter cases being concurrent with that of the Circuit Courts. *See "History of the United States Courts," Chicago, Illinois 1848-1996, 10 CBA Record, 18 (May 1996).*

The kinds of cases heard by the District Courts in Illinois have always mirrored the social conflicts of the time. The critical issue dividing the Nation in the years before the Civil War was slavery, and cases under the Fugitive Slave Act were not uncommon. The 1860 trial of abolitionist, John Hossack, which exemplified the

*Lincoln-Herndon Law Offices, 1852*

clash between the slavery and anti-slavery forces, was heard here. The transcript of proceedings was assembled by Judge William Hart and attorney, Francis A. Even, in a 1999 monograph. (Available on the website of the N.D. Ill. Court Historical Association). Abraham Lincoln was active in the federal courts in Illinois until 1860, when he was elected President. The stories of Lincoln's prowess are legion. He was a man of

precise thinking and faultless analysis. He could wither an opponent, but always did so with grace. One of the stories told of him is how after listening to his opponent drone on and on before Judge Drummond, Lincoln uncoiled himself, rose to his full height and said, "That beats me! [He] can concentrate more words into the fewest ideas of any man I ever knew."

During the Civil War, Judge Drummond ordered the *Chicago Times* newspaper closed because of what he considered to be articles disloyal to the Union. That order was later set aside by President Lincoln. In 1860, the first federal courthouse in Chicago began operations: it also housed the post office and a customs house.

The three-story building was a simple, Italianate design, rectangular building ringed with hitching posts for the horses of visitors. The original 140 - by 120 - foot lot at the corner of Dearborn and Monroe on which the courthouse would ultimately be built – the lot would be expanded by the time the courthouse was built – cost \$26,000. The building was destroyed in the Great Chicago Fire of 1871, along with everything else in the City. Ironically, the court records that had been moved from Springfield to Chicago for safekeeping were destroyed in the Chicago Fire, and it took years even to partially reconstruct them. In his comprehensive history of the United States District Court for the Northern District of Illinois, Richard Cahan concluded that the fire:

“set up Chicago, and its federal court, for greatness. During the courts’ second half century, federal judges in Chicago flexed their muscles. They stood between the nation’s great competing forces: big industry and big labor. Oil giants, beef barons, Wobblies, and Pullman strikers all walked through the gates of the courthouse to be judged. These were heady, brawling times, and federal trial judges in Chicago took their place on the front line to shape America’s future. The court was now an agent for change.”

A Court That Shaped America: Chicago's Federal District Court From Abe Lincoln To Abbie Hoffman, 27 (Northwestern University Press 2002).



U.S. Post Office, Customs House, and Courthouse - Chicago, 1880-1896

Once again homeless as a result of the fire, the Seventh Circuit and the District Court moved to the Old Congressional Church at Green and Washington and then to Congress Hall at Michigan and Congress. Another fire in 1874 forced the court to move to the Republic Building on LaSalle Street. The second federal courthouse was completed in 1880 at what is now Clark, Adams, Dearborn and Jackson.

It was a large, ornate building, somewhat reminiscent of train stations in some of Europe’s capitals. From the beginning, the building was plagued with structural problems, which forced its closure in 1896. In the period between 1896 and 1905, the courts moved first to the Monadnock Building at Jackson and Dearborn and then to other locations.

*U.S. Courthouse, 1896-1964*

Ultimately, the third federal courthouse was completed in 1905 at a cost of \$6 million. Its dome was 275 feet above the center of the building, which housed four courtrooms for the District and Circuit Courts. It covered the entire block directly west of the present courthouse.

These were times of great commercial expansion in Chicago whose population had soared to almost 1.7 million people. There was a corresponding expansion in the number and complexity of cases coming before the federal courts in Illinois. For example, Thomas Edison sued to enforce his patent on movie cameras. During the early 1900s, Chicago was home to a number of film production companies. Fraudulent marriage schemes were all the rage and those came before the courts as well. In 1893, litigation ensued over the Columbian Exposition which was being held in Chicago.

*Railroad Strikes and Labor Riots of July 1877*

The United States government sued the World's Columbian Exposition to enjoin it from operating on Sunday. The government won in the District Court but the decision was reversed by the Court of Appeals in an opinion by Justice Fuller sitting as Circuit Justice. By 1905 the District Court's docket reflected the burgeoning commercialization of Chicago and of the Nation. There were admiralty, patent and antitrust cases. Complex commercial disputes were becoming *de rigueur*. The labor movement was on the rise, and courts were becoming involved in the resolution of the often violent disputes between labor and management. Two conspicuous examples were the 1877 railroad strike on the Baltimore & Ohio Railroad, which threatened to cripple the Nation, and the 1894 Pullman strike, which virtually stopped all rail traffic in and out of Chicago and which resulted

in President Cleveland's sending troops to Chicago to protect what little freight traffic there was.

Eugene V. Debs and seven other labor leaders were indicted and put on trial in 1895 for their alleged part in the strike. Clarence Darrow successfully represented Debs. In 1903, there was the government's successful antitrust suit against Swift and Company, which controlled 60% of the fresh meat market. Standard Oil was called to the dock in 1907 and charged in the District Court with having violated the Elkins Act by persuading railroads to carry its property at one-third of the published tariffs.

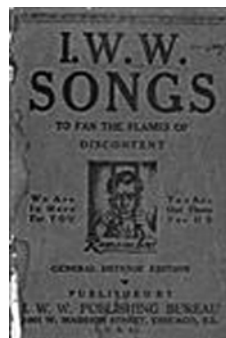


Judge Landis with the N.Y. Yankees

In 1916, major league baseball was also sued in the District Court in Chicago and charged with having violated the Clayton Antitrust Act. The case was assigned to Judge Kenesaw Mountain Landis, who also was the judge in the Standard Oil case. This time, however, Landis did not move swiftly and was indeed accused of stalling the case, thereby forcing a settlement. Landis would become Commissioner of the National

Baseball League while still on the bench. Landis was also the judge in the government's prosecution during World War I of William D. "Big Bill" Haywood, Secretary of the Industrial Workers of the World. The case was a *cause celebre*. The defendants were charged with conspiracy to undermine the war effort and the trial lasted five months. The prison sentences handed out by Judge Landis could not have been stiffer: twenty years in prison and fines totaling \$2.3 million. Haywood fled to the Soviet Union where he died.

Not surprisingly, the practice of law was becoming lucrative and successful lawyers could make as much as \$30,000 a year – an enormous sum for the time. In fact, Louis Brandeis, before his appointment to the Supreme Court in 1916 was reputed to have made in one year the unheard of sum of \$100,000.



IWW "Little Red" Songbook, 1918



Samuel Insull and his attorney
Floyd Thompson, 1934

The Middle Years: 1920 - 1970

From the beginning, the rich and famous of the day were routinely seen in the federal court in Chicago. They included: John D. Rockefeller; Eugene V. Debs; Samuel Insull; Alexander Graham Bell; Thomas Edison; Jack Johnson (the first African-American heavyweight champion of the world, who was convicted of transporting women across state lines for immoral purposes); G.W.G. Ferris, the inventor of the Ferris Wheel; Edward Swift, owner of Swift & Co.; Charlie Chaplin; Marcus Garvey; and Cyrus McCormick.

*Al Capone and his Lawyers*

There were famous criminals, including the most famous of all, Al Capone who, in real life, was brought down by Eliot Ness and a team of government accountants. Capone was convicted in 1931, not specifically for any of his violent crimes, but for tax offenses for the years 1925-1929. Of course, the unreported income came from his illegal activities. There is a wonderful and true story about

the Capone prosecution. Fearful of jury tampering by Capone, Judge Wilkerson switched jury panels at the last minute to ensure that rumors of Capone's attempted threats to bribe and intimidate prospective jurors would not be successful.

Judge Wilkerson also was the trial judge in the government's prosecution of the legendary financier, Samuel Insull, who was charged in 1934 with using the mails to defraud the public of \$100 million through the sale of inflated stock. He was acquitted. There was also the trial of Anna Sage, the notorious "Woman In Red" who led the police to John Dillinger at the Biograph Theater on a muggy summer evening in 1934. Later, there would be an almost endless parade through the doors of the District Court in Chicago of individuals and corporations that were household names and looked to the District Court for justice.

They included: E.I. DuPont & Co.; Elijah Muhammad (who was found guilty of failing to register for the draft in 1942, but acquitted of sedition charges); Sewell Avery, the legendary financier, who famously defied President Roosevelt's attempted takeover of Montgomery Ward in 1944; Caesar Petrillo, leader of the American Federation of Musicians; Soprano, Maria Callas; Claude Lightfoot, the African-American chairman of the Illinois Communist Party; Columbia Pictures, which was forced to obtain an order from Judge Julius Miner before the City of Chicago would allow the showing of the movie, *Anatomy of a Murder*, because it was thought to be immoral and obscene because the word "rape" was used; Preston Tucker, who was charged by the government with having attempted to defraud investors in connection with the building of an automobile that bore his name (Tucker's story would be made into a 1988 movie appropriately entitled, *Tucker*). Other celebrated cases of the time involved such personalities as Leo Durocher, Jimmy Hoffa, Zsa Zsa Gabor, and Muhammad Ali.

These are but a small sampling of the many hundreds of cases brought by and against those whose names were household words. In more recent years, the District Court in Chicago would be the venue for cases involving such notables as Governor Rod Blagojevich; Governor George Ryan; former alderman, Edward Vrdolyak; Stuart Levine; Tony Rezko; Conrad Black; Oprah Winfrey; Garry Meier; Michael Jackson; Michael Jordan; Archer Daniels Midland; Fred Roti; Governor Otto Kerner, Jr.; Governor William Stratton; Governor Dan Walker; Judge Tom Maloney; Judge Reginald Holder; Judge John Murphy; Judge Richard Lefevour; Danny Escebedo; Alderman Tom Keane; Matthew Danaher; Matthew Hale; and scores of other Chicago politicians; highly placed police officers; and mob figures including Alan Dorfman, Joey “the Clown” Lombardo and the cast of mob figures in the recent Family Secrets case.

The Supreme Court’s belated approval of New Deal legislation in the late 1930s vastly expanded (or set the stage for expansion of) Congressional power in areas previously thought exclusively within the province of the states and under clauses of and amendments to the Constitution that had previously not been seen as reservoirs of federal power. The role and influence of the federal courts expanded correspondingly. In 1941, America entered the Second World War, fulfilling Churchill’s dream that the New World would come to the rescue of the Old and lifting the country out of the Great Depression. By this time, the Northern District of Illinois had become one of the most important and active courts in the country. Not surprisingly, there were a large number of Selective Service cases, perhaps the most notorious of which was the prosecution of Elijah Muhammad, the founder of the Nation of Islam, for sedition and failure to register for the draft. He was acquitted of the sedition charges but surprisingly was found guilty of failing to register, although he was 45-years old at time of the offense. He served four years in jail.

Perhaps the most sensational of the war years cases was the prosecution of Hans and Erma Haupt and others for treason. Following the conviction, Judge Campbell sentenced the Hauptns to death and the others to lengthy prison sentences. The case was reversed by the Seventh Circuit. On retrial, the jury found the defendants guilty, but also recommended clemency. Judge Barnes followed the jurors’ recommendation. A celebrated case that tested the authority of the President in wartime was the government’s attempted takeover in 1944 of Montgomery Ward, which at the time was one of the country’s largest retailers and mail-order houses.

When it refused to obey an order from the War Labor Board that it renew a union contract, President Roosevelt determined that the takeover of Montgomery Ward was essential to the war effort. The government obtained a Temporary Restraining Order from Judge William H. Holly prohibiting Sewell Avery, Ward's Chairman of the Board, from blocking the takeover. When Avery refused to comply, he was carried from his office into the street by soldiers. The picture that appeared in newspapers around the country continues to this day to be one of the iconic photographs of the time.

Prior to the end of World War II, judicial selection in the Northern District of Illinois, as in most courts, had not been sensitive to issues of diversity. But with the end of the War came the beginning of a more sensitive selection process. Men and women of all colors and creeds had contributed to the War's successful prosecution and all quite rightly demanded a greater participation in the affairs of government at all levels. With Judge Holly's retirement in 1944, Chicago's Polish-American community helped to secure the appointment of a Polish-American to the Northern District, state court judge Walter J. LaBuy, who became the Nation's first federal judge of Polish ancestry. It would take, however, another 17 years for the Nation's first African-American federal judge to be appointed.

With the end of the Second World War came an expansion of commerce and a corresponding increase in the dockets of the federal courts across the country as well as an increase in the complexity of the cases that made up those dockets. It soon became apparent that the six judges who comprised the United States District Court for the Northern District of Illinois could not handle the significantly increased work load efficiently. And so, two new judgeships were approved in 1950. Political wrangling, however, prevented their being filled until 1953, when Winifred Knoch – who would later be elevated to the Seventh Circuit – and Julius Hoffman, who would later go on to achieve nationwide (if not worldwide) notoriety for his handling of the Chicago Seven case, were appointed.

During the 1950s, the dockets of the courts in the Northern District continued to expand. There were more Federal Employment Liability Act cases as well as *habeas corpus* and important civil rights cases. For example, Claude Lightfoot, the African-American Chairman of the Illinois Communist Party, was the first person tried under the Smith Act, which made it a crime to belong to an organization that advocated the violent overthrow of the United States of America. James B. Parsons, soon to be America's first African-American federal judge, was the prosecutor. Following his conviction, Lightfoot was sentenced by Judge Sullivan to five years in prison. The case was later reversed by the Supreme Court.

There were also important commercial cases such as the year-and-a-half-long antitrust case by the government against DuPont – the longest ever tried up to that time. Judge LaBuy found for the defendant, but in 1957 the case was reversed by the Supreme Court.

The period from 1961-1964 marked a turning point in the history of the Nation and the Court. John Kennedy brought a new vitality to the Presidency and to the country. Then, as now, the President promised great changes. So too did William J. Campbell, who was appointed by President Roosevelt to the District Court in 1940 at the age of 35. He became Chief Judge in 1959. Campbell had powerful political contacts in both parties, and he was adroit in using that power. He is given a good deal of credit for Congress' authorization of the building of the present federal courthouse at Dearborn at Jackson and Adams. When completed in 1964, it would be startlingly different from its somber, stone predecessor.



Everett McKinley Dirksen Federal Building at Dearborn, Jackson and Adams

The 27-floor building bounded by Dearborn, Jackson, and Adams, is encased in a skin of glass supported by a series of equally spaced, supporting metal beams. The courtrooms, situated in the building's interior, have no windows and are barren of the kind of ornate showiness that typified the courthouses of the late 19th and early 20th century. Today, Mies Van der Rohe's architectural vision is commonplace; in its time, it was revolutionary.

Kevin Forde, one of Campbell's clerks, recalls that "excitement and controversy seemed to gravitate to Judge Campbell." He was "imaginative and resourceful." He once called for a "joint session" between his Court and the Illinois Supreme Court to decide how best to resolve a redistricting case that threatened to result in conflicting decisions and needless duplication of effort. When he became a senior judge he volunteered to take over all the Selective Service cases in the Northern District. To expedite pretrial proceedings, he adopted a Uniform Order for the processing of those cases.

Judge Campbell was one of the drafters of the original Manual for Complex Litigation; he chaired the Judicial Conference Committee on the Budget and, in that capacity, was the point man for passage of the entire budget for the federal judiciary. He moved much of the federal judiciary from the multi-part calendars that were used in most districts to the individual calendar system, and he established the first Federal Defender Program in the country. It would serve as a model for the creation of defender offices throughout the federal system. Judge Campbell received the Edward J. Devitt Distinguished Service to Justice Award – thought to be the most prestigious honor that can be bestowed on a federal judge. Campbell was the first Illinois federal judge to have received the award, and only one of two in the history of the federal courts in Illinois.

In 1961, Richard Austin was named by President Kennedy to fill Walter J. LaBuy's seat and James B. Parsons, the prosecutor in the *Lightfoot* case, to fill Judge Philip Sullivan's seat, thereby becoming the first African-American federal judge in the Nation. It would never have happened if Ronald Reagan had not been the life guard at a Boy Scout camp the day Parsons almost drowned there as a young boy. When Parsons was denied honorary membership in a private club in Chicago, his eight judicial colleagues – to whom membership privileges had been accorded – quit the club in a show not only of personal support, but in an admirable expression of revulsion for a policy that was inconsistent with the very foundations on which the federal judiciary and the Nation as a whole were established. Parsons would become the Court's tenth Chief Judge in 1975, the first African-American to hold such a position.

The ninth judgeship authorized by Congress for the Northern District of Illinois went to Hubert Will in 1961. Judge Will, whose judicial career spanned 34 years as an active and senior District Judge, had a fascinating background. He grew up above a drug store in Milwaukee, was the Valedictorian of his undergraduate class at the University of Chicago, worked for Bill Douglas when he was Chairman of the SEC (before becoming a Justice of the United States Supreme Court), and later for Bill Donovan at OSS during World War II. He had been Robert Hutchins' assistant during Hutchins' tenure as the President of the University of Chicago and perhaps most fortuitously was Paul Douglas' roommate at the U of C. Years later, Douglas would be the senior Senator from Illinois and would recommend Will for the vacancy that arose when Congress authorized the ninth judgeship in the Northern District. Judge Will was one of the most respected District Judges in the country, and in 1991 was awarded the 10th annual Devitt Award, thus becoming the second Northern District judge to receive that honor.

The Devitt Award honors annually an Article III judge of national stature, whose distinguished lifelong career is characterized by “decisions that, through their wisdom, humanity and commitment to the rule of law, make clear that bench, bar, and community alike would willingly entrust that judge with the most complex cases of the most far-reaching import; writings, including opinions, lectures, or other publications, that reveal scholarship and dedication to the improvement of the judicial process; and activities that have helped to improve the administration of justice, advance the rule of law, reinforce collegial ties within the judicial branch, or strengthen civic ties, within local, national, or international communities.”

The tenth judgeship created by Congress in 1962 for the Northern District of Illinois went to Bernard Decker. A year later, Abraham Lincoln Marovitz was appointed to Julius Miner’s seat (which was the fourth seat allocated to the Northern District in 1931). Marovitz was a unique personality, even among the varied personalities who were on the Court at the time. Born of Lithuanian immigrant parents, he delighted in swearing in new citizens and was said to have participated in more naturalization ceremonies than any judge in the country. He had an unsurpassed genius for friendship. He seemed to know everyone. Sixteen hundred of his “closest friends” were in attendance at his 90th birthday party. Until his death at 95, he remained committed to the philosophy that we “must learn to disagree without being disagreeable,” and “everybody can’t do big things, but we all can do little things that help others.”



The United States District Court for the Northern District of Illinois, 1963

There were a number of significant events that took place in the Northern District during the 1960's. Jimmy Hoffa was sentenced to 20 years in prison by Judge Austin for mail and wire fraud and conspiracy to defraud the Teamster's Union pension fund. There were clashes with the press over the extent of their access to judicial

proceedings that resulted in a local Northern District rule of court that prohibited cameras and broadcasting equipment from courtroom areas and a Local Rule that banned out-of-court statements by lawyers in pending cases.

Indeed, late in the decade Judge Campbell prohibited photographers and broadcasters from the federal building and the plaza. The Seventh Circuit found the Local Rule as written incompatible with the First Amendment. There was the criminal case against the makers of the drug, Krebiozen, which was supposed to be a cancer cure. The case was heard before Judge Hoffman and a jury. It lasted for months and ended in a verdict of not guilty.

Although they may have aroused great public interest and passion at the time, most of the cases between 1819 and 1970 have been eclipsed by the never-ending succession of later trials and later events and thus have receded into the mists of time and memory and are largely forgotten. A singular exception is what has come

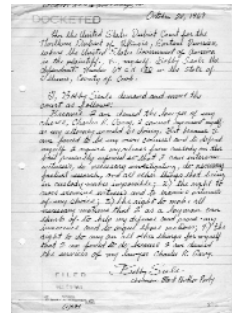


Democratic National Convention, 1968

to be known as the Chicago Seven case. It grew out of the riots that occurred at the 1968 Democratic Convention in Chicago, which drew thousands of young people from across the country intent on protesting the Vietnam War. The protests led to extensive fighting between thousands of demonstrators and the Chicago police in Grant Park, the Conrad Hilton Hotel on Michigan Avenue, and in other areas of the City. The deeply disturbing clashes

were televised throughout the world and further inflamed the passions that the Vietnam War itself had aroused. What was hotly disputed was whether the police were at fault and had intentionally engaged in a “police riot” or whether all that occurred had been orchestrated by a small group of conspirators, who cynically manipulated thousands of idealistic young people into rioting. The country was as divided over this question as it was over the Vietnam War, itself.

Shortly after the Convention, a grand jury indicted Abbie Hoffman and Jerry Rubin, the leaders and founders of the Youth International Party (“Yippie”); Rennie Davis, David Dellinger and Tom Hayden of the National Mobilization Committee to End the War in Vietnam; Lee Weiner and John Froines of the Students for a Democratic Society (“SDS”) and Bobby Seale, the leader of the Black Panther Party.



Bobby Seale Motion

*Bobby Seale*

The trial of *United States v. David T. Dellinger, et al.*, began on September 26, 1969, before Judge Hoffman and a jury. It lasted for almost five months and was the subject of intense daily media coverage. Bobby Seale was gagged and handcuffed when he refused to abide by Judge Hoffman's orders. He was ultimately severed from the trial, leaving seven defendants and accounting for the name commonly accorded the case, "the Chicago Seven."

The country was of two minds: on one side were those who believed that the law and order were on trial; on the other were those who with equal passion believed that the defendants were heroes and that the prosecution threatened irretrievably to compromise the First Amendment and the integrity of the federal judiciary itself. As the trial progressed, those positions hardened, and the trial judge was either seen as a bulwark against anarchy, and a defender of the decorum essential to our system of justice, or an evil martinet intent on railroading the defendants into jail for having done nothing more than exercising their right of free speech and association.

Without a careful study of the 22,000 page trial transcript, one cannot even begin to get the sense of the extraordinary interactions between Judge Hoffman and the defendants and their counsel, William Kunstler and Leonard Weinglass. The transcript is a nightmarish chronicle of intemperate outbursts, insulting exchanges, tasteless asides, mutual recriminations, and both feigned and genuine outrage. These interactions were critical to the defendants' arguments in their almost 600-page brief on appeal that all that occurred was the fault of Judge Hoffman and the prosecutors and that their claimed misbehavior was unparalleled in American history. They were, they argued, thereby denied a fair trial.

The government's opening appellate brief was four volumes long and spanned 1,812 pages – perhaps the longest brief ever presented to a federal court of appeals. (All the briefs together comprised 2,485 pages). An entire volume of 371 pages was devoted solely to a day-to-day analysis of the behavior of the court, the defendants and defense counsel. The government's argument was that Judge Hoffman was purposely goaded throughout the case by the defendants and their lawyers, who, the brief argued, "wantonly and shamelessly attempted to subvert the administration of justice." On November 21, 1972, in a 72-page opinion, the Court of Appeals reversed the convictions. The defendants' argument that the anti-riot statute under which they were convicted was unconstitutional was rejected by a vote of 2 - 1.

But the panel unanimously concluded that there were various errors in the trial that required reversal, the most significant of which was the conduct of the trial judge and the prosecutors. The defendants were never retried. While the passage of 40 years has largely dulled the intensity of feeling aroused by the case, it continues to be discussed and dissected to this day.

Opposition to the Vietnam War also resulted in a number of other publicized prosecutions involving Selective Service violations and damage to government property. Illustrative is the so-called "Four of Us" case involving four defendants who poured animal blood on hundreds of draft records in an Evanston draft board. The defendants saw the case as a vehicle to question the legality of the war and to argue that being morally based, their conduct was not criminal. The case was tried before Judge Alexander Napoli, who had been appointed in 1966 to fill the 11th judgeship allocated to the Northern District of Illinois. The jury found the defendants guilty, and they were sentenced to a year in jail. There was also the "Conspiracy 15" case, which involved 15 men and women who were charged with vandalizing the Selective Service office on West 63rd Street. Sensitive to the situation that confronted Judge Hoffman in the Chicago 7 case, Judge Robson imposed a gag order on the participants. That order became a *cause celebre* and was overturned by the Seventh Circuit as a violation of the defendants' First Amendment rights.

Perhaps the most significant of the civil rights cases of the period was *Gautreaux v. Chicago Housing Authority*. Filed in 1966, it was a suit against the CHA charging that it and the United States Department of Housing and Urban Development violated the rights of CHA residents by building public housing developments in African-American neighborhoods, thereby engaging in an intentional pattern of racial discrimination in violation of the Civil Rights Act. In 1969, in a decision with nationwide ramifications, Judge Austin found for the plaintiff and concluded that housing sites had been chosen to avoid the placement of African-American families in white neighborhoods. Sadly, Judge Austin's decision came shortly after Ms. Gautreaux's premature death at age 41. The *Gautreaux* case has continued on for more than four decades and is currently pending before Judge Aspen. A case of equal significance was the case filed by Michael Shakman that argued Chicago's political patronage system deprived non-incumbent candidates and voters of a free and fair election. In 1979, what is now popularly known as the Shakman Decree was entered, prohibiting political considerations as the basis for hiring in certain job categories.

Foundations For The Modern Court: 1970 - 1989

The 1970s and 1980s constituted a period of extraordinary activity and change in the Northern District of Illinois. Chicago's Aldermen have a felony conviction rate that would shock outsiders. Since 1973, 27 Chicago Aldermen have been convicted by the U.S. Attorney for the Northern District of Illinois. Beginning with the election of Charles Percy to the United States Senate in 1966, there was a markedly diminished emphasis on politics in the selection process for federal judges and the United States Attorney. During his 18 years in the Senate, Percy, who was responsible for the recommendation to the President of 22 federal judges, refused to make gender, ethnicity, or party preference considerations in the appointment process. A conspicuous example of this emphasis on merit was Percy's 1973 selection of Prentice Marshall, a Jenner & Block partner, who was a staunch Democrat. Marshall told Percy's staff that he had never voted for or contributed to any Republican candidate for office. That was a matter of indifference to Percy, who counted Marshall's appointment as one of his most significant. It was Marshall who was the trial judge in the government's criminal prosecution of Alan Dorfman and Roy Williams, President of the International Brotherhood of Teamsters, in 1982 for having bribed Senator Howard Cannon of Nevada.

The appointment of William Bauer as United States Attorney for the Northern District of Illinois in 1969 was another appointment of which Senator Percy often boasted. Bauer, who took office at the conclusion of the Chicago Seven trial, trebled the size of the U.S. Attorneys' office and began redirecting the focus of the Office to cases involving white collar crime and political corruption through what was then a novel use of the mail and wire fraud statutes. Other U.S. Attorney's offices across the country followed the model crafted by Bauer and later expanded by James Thompson, Bauer's successor as U.S. Attorney, who would later serve four terms as Governor of Illinois.

During the 1970s, there were many criminal cases involving well known political figures including Alderman Tom Keane, Mayor Richard J. Daley's closest political ally; Alderman Frank Kuta; and Alderman Wallace Davis – among many others. These prosecutions revealed to the public the urgent need for citizens to be actively involved in the political process to ensure that the candidates they selected were worthy of their trust and faithful to the ideals of honest government. There was the notorious trial of Chicago police captain, Clarence Braasch, and 22 former or present East Chicago police district officers, who were charged in 1972 with having extorted monthly payments from at least 53 tavern owners. The case was prosecuted by Assistant U.S. Attorneys Dan Webb and James Holderman. In his opinion affirming the convictions, Justice Tom Clark, sitting by designation in the Court of Appeals, noted that the facts of the case were “stranger than fiction.”

The case became the template for numerous other corruption cases. Within days of Braasch's conviction, Chicago Police Superintendent, James Conlisk, resigned. And then there was the famous Purolator trial which involved the theft of almost \$4.5 million from the Purolator Security Company in 1974. But undoubtedly, the most noteworthy and melancholy case of the period in this district was the prosecution of Otto Kerner, Jr. in 1972 for having given certain privileges to a race track operator in exchange for stock. Kerner had an illustrious pedigree. His father had been a judge on the Seventh Circuit Court of Appeals, and Kerner, himself, had been the United States Attorney in Chicago from 1947 to 1954 and was a two-term Governor of Illinois. He had headed the National Advisory Commission on Civil Disorders – more popularly known as the Kerner Commission – which ominously warned that our nation is moving toward “two societies, one black and one white – separate and unequal.” In 1968 he was appointed to the Seventh Circuit Court of Appeals.

The case, which was prosecuted by Jim Thompson, was exceedingly complex. Despite that complexity and a battery of famous character witnesses for the defense that included Roy Wilkins and General William C. Westmoreland, Judge Kerner was found guilty and sentenced to three years in prison. He was released two years later after it was discovered he had cancer. He died in 1976. At that time, he was the second Illinois Governor to have stood trial in the Northern District of Illinois. Governor Stratton was the first, but he was acquitted. Unfortunately, they would not be the last governors to stand trial in a federal district court in Chicago. Ironically, when Judge Bauer was elevated from the District Court to the Circuit Court of Appeals in 1975, it was Judge Kerner's seat that he took.

The 1970 appointment of Frank McGarr was the first of Percy's Northern District appointments. McGarr was a graduate of Loyola Law School and had served as the First Assistant United States Attorney in the 1950s. McGarr, who would later be the District's eleventh Chief Judge, achieved nationwide notoriety when he awarded \$85 million in damages in connection with the 1978 Amoco Cadiz oil spill off the coast of France. In 1971 came the appointment of Thomas McMillan, a graduate of Princeton and Harvard Law School. Also in 1971, William Bauer replaced Sam Perry as a District Court Judge, as he and Senator Percy had agreed would occur at the time of his appointment as United States Attorney for the Northern District of Illinois. In an interview last year in the Seventh Circuit Bar Association journal, Judge Bauer, who delights in telling the story, explained that he became a lawyer because he “liked the way lawyers were depicted in the movies...[L]awyers were respectable; they wore clean clothes and looked good. They didn't do anything; they talked. I thought, hell, I can do that. But anyhow, the fact is I wanted to be a lawyer and the more I saw of it, the more I thought it was a great idea.”

Four years later, Bauer was promoted to the Court of Appeals, where he continues to carry a full case load. His 38 years on the federal bench makes him the longest serving, active federal judge in Illinois.

Richard McLaren was appointed in 1972 to replace Judge Hoffman. McLaren, who had graduated from Yale University and Yale Law School, had been chief of the antitrust division of the Department of Justice. Sadly, the promise that McLaren brought to the bench was never realized for he died within 4 years of his appointment. Phil Tone, a partner at Jenner and Block, was considered another of Percy's outstanding appointments. Tone would be appointed to the Seventh Circuit in 1974 after serving for two years on the District Court. He was considered for the vacancy on the United States Supreme Court that ultimately went to John Paul Stevens. Judge Tone was replaced by Joel Flaum in 1974. Flaum, who was 38 years old when appointed, would serve for nine years on the District Court before being elevated to the Court of Appeals in 1984. He has just celebrated his 34th year on the federal bench. Flaum was replaced by Ilana Rovner in 1984. Like Flaum, she had served in the United States Attorney's office under Jim Thompson. She was elevated to the Court of Appeals in 1992.

The 1986 appointment of John Grady, a graduate of Northwestern University and its Law School, continued Senator Percy's emphasis on merit as the criterion for nomination to the federal bench. Grady had been in the United States Attorney's office and Chief of its Criminal Division before going into private practice in Waukegan. He became the Court's twelfth Chief Judge in 1986. Percy's insistence on subordinating party affiliation to merit was also exemplified by his selection of George Leighton, a graduate of the Harvard Law School. When Leighton came to Chicago in 1946, neither the American nor Chicago Bar Associations admitted black lawyers to membership. Leighton was a life-long Democrat, an African-American, and he was 63-years old. Senator Percy did not flinch. At 95 years of age, Leighton is as vibrant and active as the day he left the bench in 1987.

Percy also was responsible for the 1976 nomination of John Powers Crowley, a graduate of New York University School of Law who, like so many on the federal bench in Chicago, served in the United States Attorney's office in Chicago. Indeed, that office has produced, in addition to Judge Crowley, at least 18 past and present members of the District Court. Based on their dates of appointment to the Court, they are: Judges Parsons, McGarr, Bauer, Flaum, Grady, Kocoras, Hart, Plunkett, Rovner, Holderman, Williams, Alesia, Conlon, Castillo, Manning, St. Eve, Filip, and Kendall.

Nicholas Bua served on the Court from 1977 to 1991, when he left to return to private practice. Bua never graduated from high school, but was a distinguished jurist nonetheless. Stanley Roszkowski was appointed to the Court in 1977 by President Carter. Judge Roszkowski was the first judge permanently assigned to the



Michael Jackson

court's Western Division. The new U.S. Courthouse in Rockford, which is now under construction, will be named in his honor. Two years after Judge Roszkowski's appointment, the Court's fourteenth seat went to James Moran, a graduate of Harvard Law School, who had gone on to clerk for Judge Lumbard on the Second Circuit and had spent more than 20 years in private practice. He became the District's thirteenth Chief Judge in 1990. The Court's fifteenth seat went to Marvin Aspen in 1979. Aspen, a graduate of Northwestern University Law School, had an extensive background in state government and was a Cook County Circuit Court judge before his appointment to the federal bench. He was the trial judge in the 1984 plagiarism trial

in which Michael Jackson was charged with pirating a song for his *Thriller* album. He also chaired the now famous Committee on Civility of the Seventh Federal Judicial Circuit, whose report sparked an ongoing, intensive examination by bench and bar alike into the eroding standards of civility in litigation.

It fell to President Carter and to Senator Adlai E. Stevenson III to appoint in 1980 the first woman to the District Court in Illinois. Susan Getzendanner was a Hoffman clerk and Mayer Brown & Platt's first female partner. Fifty-eight years earlier, Florence King had failed to win the endorsement of either of Illinois' Senators despite her outstanding background and the endorsements of literally scores of prominent citizens, who supported her application to be a District Judge. Twelve years later, in 1934, Florence E. Allen, had become the first woman judge on a federal court in this country when she was appointed to the United States Court of Appeals for the Sixth Circuit. Getzendanner left the bench to return to private practice in 1987.

In 1980, Milton Shadur, who, like Judge Moran, had an extensive and highly successful career in private practice, was named to the Court to fill Judge Will's seat. Shadur was a graduate of the University of Chicago Law School, the Editor-in-Chief of the Law Review and valedictorian of his graduating class. He served as the Chair of the Advisory Committee on the Federal Rules of Evidence from 1999 to 2002.

Charles Kocoras was President Carter's final appointment to the Northern District. Kocoras, who became the fifteenth Chief Judge of the Northern District, had been the First Assistant United States Attorney under Thomas Sullivan and was the Chairman of the Illinois Commerce Commission before being appointed in 1980. He has for more than 30 years been an Adjunct Professor at the John Marshall Law School. Among the many well-known cases tried by Judge Kocoras was the prosecution of Judge John Murphy, an Associate Circuit Court Judge, arising out of Operation Greylord.

The 1970s and 1980s saw a number of significant cases in the Northern District filed by so-called public interest firms, like the Legal Assistance Foundation of Chicago. The areas in which it and others brought cases included consumer fraud cases, cases involving the elderly, employment and employment discrimination, food and nutrition, people with disabilities, health and Medicaid, housing, immigration and rights of aliens, juveniles' rights, migrant workers, prisoner and jail cases, public assistance benefits, social security, utilities, and women's rights. The list is not exhaustive, but its range illustrates how pervasive the influence of federal law had become and thus how central the federal judiciary is to the resolution of basic questions affecting society. Indeed, by the end of the decade there was scarcely a question of any societal importance that did not find its way to the federal courts.

With the election of President Reagan in 1981, Senator Percy again was responsible for making recommendations to the President for federal judgeships in Illinois – at least until he was defeated for office in 1984. The first appointments went to William T. Hart and John Nordberg. Hart, the son of the Editor and Publisher of the *Aurora Beacon News*, had served as an Assistant United States Attorney in Chicago before spending 26 years in private practice in Chicago. Nordberg, a graduate of the University of Michigan Law School, who had also been in private practice for 26 years and served as a Cook County Circuit Court judge, was appointed on the same day in 1982 as Judge Hart. Judge Hart was the Chair of the Northern District of Illinois Court Historical Association from 1997 to 2006. When two of his law clerks, including current Chief Bankruptcy Judge, Carol Doyle, were taken hostage by a man carrying explosives who barricaded himself in Nordberg's chambers, Judge Nordberg offered to exchange himself for the hostages. Judge Nordberg was the trial judge in the Operation Greylord trial of Harold Conn, a Deputy Clerk in the traffic court of Cook County.

Paul Plunkett, a graduate of Harvard University and Harvard Law School, also came from the United States Attorney's office and a long career in private practice. He was appointed in 1983, replacing Judge Parsons. Judge Plunkett was the trial judge in the infamous Gangster Disciples case in 1996. The Gangster Disciples were the Midwest's most violent street gang and one of four "supergangs" that dominated Chicago following the dismantling of the El Rukns.

Charles Norgle, Sr., filled the Court's seventeenth seat in 1984. Norgle also had a judicial background, having served as a Circuit Judge in DuPage County for more than a decade. Judge Norgle is, and has been for many years, an Adjunct Professor at the Northwestern University College of Law and the John Marshall Law School. He was the trial judge in the notorious case involving Richard Lefevour, who was the Chief Judge of the Cook County Traffic Court. That prosecution grew out of what has come to be known as Operation Greylord, which was a massive undercover corruption investigation into the operations of the Circuit Court in Cook County. Fifteen judges and seventy-five others were indicted. Judge Norgle was also the trial judge in the first major trial against the infamous El Rukn street gang in 1989.

James Holderman, the sixteenth and current Chief Judge of the District, was named to the Northern District's eighteenth seat in 1985. Although his undergraduate degree from the University of Illinois was in agricultural science, he was drawn to the law and graduated from the University of Illinois College of Law. Like Judge Hart and a number of his colleagues, Chief Judge Holderman's career path first led him to the United States Attorney's office in Chicago and then to a career in private practice.

Judge Holderman presided over a number of Operation Greylord cases in the 1970s, including those of Circuit Court Judges Martin Hogan, James Oakey, and Raymond Sodini. He also was one of the judges to grant a new trial in the wake of disclosures following convictions in various El Rukn cases. Additionally, Judge Holderman has been an Adjunct Professor at several law schools in Illinois, including the University of Chicago Law School, the University of Illinois College of Law in Urbana-Champaign, and the John Marshall Law School in Chicago. He is the James C. Wood Distinguished Lecturer in Intellectual Property at the University of Illinois College of Law.

Ann Williams was the first African-American woman named to the District Court in Chicago in 1985 and was the first African-American Judge on the Seventh Circuit Court of Appeals, to which she was elevated in 1999. She was 35 years old when she was named to the District Court while working as an Assistant United States Attorney in Chicago. Brian Barnett Duff was nominated in 1985 to fill the Court's twentieth judgeship. Harry Leinenweber was appointed to fill the Court's twenty-first seat in 1985. He is a graduate of the University of Notre Dame and the University of Chicago Law School. James Zagel, a graduate of the University of Chicago and the Harvard Law School, had extensive experience in state government before coming to the Court. He has been in two Hollywood movies and is the author of a best-selling novel as well as the author and editor of several legal case books. He was the trial judge in the infamous 2007 "Family Secrets" trial in which Joseph Lombardo, Frank Calabrese and a number of other powerful Mob figures were charged with racketeering offenses including multiple murders.

James Alesia, appointed in 1987 by President Reagan, worked as a police officer to put himself through law school at night. He was an Assistant United States Attorney prior to his appointment to the court. Poor health forced him to take senior status in 1998. He died unexpectedly in 2003.

Suzanne B. Conlon, a Robson clerk, was appointed in 1988. Chicago sports fans will never forget her 1992 preliminary injunction against Major League Baseball's plans to move the Chicago Cubs from the Eastern Division of the National League to the Western Division. George Marovich was appointed by President Reagan in 1988. He had been in private practice and had been a judge of the Circuit Court of Cook County for 12 years prior to his appointment.

The Bush - Clinton - Bush Appointments: 1989 - 2008

Between 1989 and 2008, nineteen judges have been appointed to the Northern District of Illinois either by Presidents Bush or President Clinton. A number had been state court judges, and several had been Assistant United States Attorneys in Chicago. George Lindberg, a Northwestern University and Northwestern Law School graduate, served on the Illinois Appellate Court in the Second District for 11 years prior to his appointment by President Bush in 1989 to replace Judge Marshall. Wayne Andersen, who was appointed in 1991, was also a judge in the Circuit Court of Cook County. He is a graduate of Harvard University and the University of Illinois College of Law. He was responsible for significant reforms in the Traffic Division of Circuit Court of Cook County. Phil Reinhard was appointed to fill the Court's 22nd seat in 1992. He was a state court trial judge and an Illinois Appellate Court judge, before joining the federal bench.

It was in 1992 that the Court suffered an unprecedented tragedy when Deputy U.S. Marshal Roy "Bill" Frakes and Court Security Officer, Harry Belluomini, were killed in a gun battle with Jeffrey Erickson, who was on trial for bank robbery. While being transported from the courtroom in which his bank robbery trial was proceeding to the van in the basement of the federal building for transport back to the Metropolitan Correction Center, Erickson seized a gun from a security officer and a gun battle ensued with Frakes and Belluomini. Wounded in the back, Erickson took his own life. There is a plaque in the lobby of the Dirksen Federal Building that quite properly honors these two brave men.

Ruben Castillo was appointed by President Clinton in 1994, as was Blanche Manning. Castillo was an Assistant U.S. Attorney and then legal counsel for the Mexican American Legal Defense and Education Fund. From there, Castillo went into private practice with a major law firm. As a judge, among his cases was Oprah Winfrey's copyright case against two photographers who took pictures of some of Winfrey's early shows.

He also was the judge in the government's antitrust case against Archer Daniels Midland which resulted in ADM's payment of \$100 million for price fixing. Judge Castillo is an Adjunct Professor at Northwestern University School of Law. He is the Vice-Chair of the United States Sentencing Commission and has been publically mentioned as a possible Supreme Court nominee.

Blanche Manning, like others of her colleagues, had been an Illinois trial and appellate judge. She is an accomplished jazz musician. She was the trial judge in the 1998 criminal antitrust case against Michael Andreas, one of Archer Daniels Midland's senior officers. David Coar was also appointed in 1994. A graduate of the Harvard Law School, he served as Associate Professor and Associate Dean for DePaul University College of Law. He was a bankruptcy judge in the Northern District of Illinois before being appointed to the District Court.

Robert Gettleman, a Northwestern Law School graduate, clerked for Chief Judge Swygert on the Seventh Circuit before spending the next quarter century in private practice. He took Judge Grady's seat in 1994 when Grady assumed senior status. Judge Gettleman is an Adjunct Professor at Northwestern University School of Law. He recently held unconstitutional an Illinois statute mandating a moment of silence at the start of high school classes. Elaine Bucklo was also a Clinton appointee. After graduating from Northwestern University Law School, she clerked for Robert Sprecher on the Seventh Circuit and was a visiting professor at the University of California Davis School of Law. In 1977, she was the President of the Chicago Council of Lawyers. She was the first Magistrate Judge in the Northern District promoted to the District Court. She was the trial judge in the Operation Silver Shovel cases which involved Aldermen Evans and Giles, who were convicted of fraudulent billing to the City of Chicago, filing false tax returns and extortion. Operation Silver Shovel was an extensive corruption probe which ended with 18 convictions, including that of six then current or former Aldermen.

Joan Gottschall, who graduated from Smith College and Stanford Law School, was also elevated from the position of Magistrate Judge to District Judge in 1994. She was the judge in the Operation Safe Road case, which involved the extortion of money from unqualified applicants for the fraudulent issuance of commercial drivers licenses. Rebecca Pallmeyer, a University of Chicago Law School graduate, was also promoted by President Clinton from Magistrate Judge to District Judge in 1998, filling Judge Hart's seat. She was the trial judge in the government's successful prosecution against Governor George Ryan. In 2006, Judge Pallmeyer became the Chair of the Northern District of Illinois Court Historical Association.

William Hibbler was an Assistant States Attorney in Cook County and an Associate Judge in Cook County Circuit Court before being appointed to the District Court in 1999. He was also an Adjunct Professor at Chicago Kent College of Law for 10 years prior to his appointment to the Court. Matthew Kennelly, a Marshall clerk and a graduate of Harvard Law School, was appointed to the Court in 1999. Ronald Guzman, an NYU Law School graduate, like Judge Hibbler, was an Assistant States Attorney in Cook County before being appointed as a Magistrate Judge in 1990, a position he held for 9 years before his promotion to the District Court. Judge Guzman ruled that the old Maxwell Street Market did not have a greater than negligible chance of being selected for inclusion on the National Register of Historic Places and thus refused to enjoin its demolition.

Joan Humphrey Lefkow clerked for Judge Fairchild on the Seventh Circuit and had been a staff attorney for the Legal Assistance Foundation of Chicago and was Executive Director of the Cook County Legal Assistance Foundation. She served as a Magistrate Judge and Bankruptcy Judge before her appointment to the District Court in 2000. She was the recipient of the 2006 Mary Heftel Hooton Award presented by the Women's Bar Association of Illinois for service to the judiciary and the pursuit of justice. In 2005 Judge Lefkow's husband, Michael Lefkow, and her mother, Donna Humphrey, were tragically murdered at the hands of a disturbed litigant. Michael Lefkow was a highly respected member of the Court's bar. In 2007 Judge Lefkow and her sister, Judith Smith, published a collection of their mother's quite extraordinary poetry, "I Speak Of Simple Things."

John Darrah was a deputy public defender in DuPage County and an Assistant States Attorney in DuPage County. Like a number of his colleagues, he was a state court judge until his appointment to the District Court in 2000. Amy St. Eve was appointed two years later. After four years in private practice in New York, she joined the Whitewater Independent Counsel's Office in 1994. Between 1996 and 2001 she was an Assistant United States Attorney in the Northern District of Illinois. Following a brief stint as Senior Counsel at Abbott Laboratories, she was named to the District Court. Judge St. Eve was the trial judge in the celebrated case of *United States v. Conrad Black* and the recent prosecution of Tony Rezko, a fund-raiser for former Governor Blagojevich. She is also an Adjunct Professor at Northwestern University School of Law.

Samuel Der-Yeghiayan was named to the District Court in 2003. He is the first Armenian immigrant federal judge in the United States. Prior to his appointment, he served in various capacities (including Acting District Director) with the Justice Department's Chicago District of Immigration and Naturalization. In 1986, he received the Frank J. McGarr Award of the Federal Bar Association as the Outstanding Federal Government Attorney in Chicago.

Mark Filip came to the District Court in 2004. After graduating from the University of Illinois, he attended Oxford University in England on a Marshall Scholarship and then attended Harvard Law School. He clerked on the D.C. Circuit for Judge Stephen Williams and then for Justice Scalia on the Supreme Court. He was an Assistant United States Attorney in Chicago and was in private practice when named to the District Court. He resigned in 2008 to become Deputy Attorney General of the United States. In 2006, Virginia Kendall was named to the District Court. She had clerked for Judge Marovich and served in the United States Attorney's office from 1995 to 2005. She is, as she has been for many years, an Adjunct Professor at Loyola University School of Law and Northwestern University School of Law.

Frederick J. Kapala was appointed by President Bush in May 2007. Judge Kapala graduated from Marquette University and received his law degree from the University of Illinois. He served as an Assistant State's Attorney and Special Assistant State's Attorney. He was in private practice until 1982 when he was named an Associate Judge in Illinois 17th Judicial Circuit, serving as Presiding Judge of the Juvenile Court from 1989 to 1991. Judge Kapala was elected a Circuit Judge in 1994 and appointed Presiding Judge of the Criminal Division one year later. In 2001, he was assigned to the Appellate Court of Illinois, Second District.

The most recent appointment to the District Court is Robert Dow. Dow is a former partner at Mayer Brown, a *summa cum laude* graduate of Yale, and a *cum laude* Harvard Law School graduate who clerked for Judge Flaum on the Court of Appeals. He was also a Rhodes Scholar.

POSTSCRIPT

In the 190 years since Judge Pope was appointed by President Monroe, there have been 103 men and women who have served as District Judges in Illinois. They have come from widely divergent backgrounds, possessed their own unique mix of strengths and weaknesses, and often have held clashing views on legal and social issues. None has been perfect, and many have been more imperfect than others. But all have contributed to what Justice Holmes called the "endless organic process" that is the collective work of lawyers and judges, and all have shared a common purpose: to adhere to and to advance the rule of law and to decide the cases before them as fairly as human frailty will allow. Many of the current District (and Magistrate and Bankruptcy) Judges in Illinois and across the Nation, in addition to the day-to-day job of judging, seek to contribute to the law by teaching in law schools, writing for legal periodicals, and by participating in judicial extern programs that help train law students, who are the next generation of lawyers and judges. If past is prologue, the citizens of Illinois and of the Nation may be confident in the future of the federal judiciary.

Special Photo Credits: Salon Building; Judge Nathaniel Pope; Judge K. Landus with the Yankees; Al Capone with his Lawyers; "Little Red" Songbook, Railroad Strikes and Labor Riots of July 1877; and Samuel Insull and Floyd Thompson are all Courtesy of the Chicago History Museum; Bobby Seale, H. Brodie; Library of Congress

JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN, CENTRAL AND SOUTHERN DISTRICTS OF ILLINOIS 1975 – PRESENT

NORTHERN DISTRICT JUDGES

<i>Judge</i>	<i>Appointed By</i>	<i>Law School</i>	<i>College</i>	<i>Status</i>
John Grady	Ford 1975	Northwestern	Northwestern	Senior
James Moran	Carter 1979	Harvard	Michigan	Senior
Marvin Aspen	Carter 1979	Northwestern	Northwestern	Senior
Charles Kocoras	Carter 1980	DePaul	DePaul	Senior
Milton Shadur	Carter 1980	Univ. of Chicago	Univ. of Chicago	Senior
William Hart	Reagan 1982	Loyola	Loyola	Senior
John Nordberg	Reagan 1982	Univ of Mich.	Carleton	Senior
Paul Plunkett	Reagan 1983	Harvard	Harvard	Retired
Charles Norgle, Sr.	Reagan 1984	John Marshall	Northwestern	Active
James Holderman (C.J.)	Reagan 1985	U of I	U of I	Active
Brian B. Duff	Reagan 1985	DePaul	Notre Dame	Retired
Harry Leinenweber	Reagan 1985	Univ of Chicago	Notre Dame	Senior
James Zagel	Reagan 1987	Harvard	Univ of Chicago	Active
James Alesia	Reagan 1987	Chicago Kent	Loyola	Deceased
George Marovich	Reagan 1988	U of I	U of I	Senior
Suzanne Conlon	Reagan 1988	Loyola	Mundelein	Senior
George Lindberg	Bush 1989	Northwestern	Northwestern	Senior
Wayne Andersen	Bush 1991	U of I	Harvard	Active
Philip Reinhard	Bush 1992	U of I	U of I	Senior
Ruben Castillo	Clinton 1994	Northwestern	Loyola	Active
Blanche Manning	Clinton 1994	U of Va. & John Marshall	Roosevelt	Active
David Coar	Clinton 1994	Harvard	Loyola & Syracuse	Active
Robert Gittleman	Clinton 1994	Northwestern	Boston Univ.	Active
Elaine Bucklo	Clinton 1994	Northwestern	St. Louis Univ.	Active
Joan Gottschall	Clinton 1996	Stanford	Smith College	Active
Rebecca Palmeyer	Clinton 1998	Univ. of Chicago	Valparaiso Univ	Active
William Hibbler	Clinton 1999	DePaul	UIC	Active
Matthew Kennelly	Clinton 1999	Harvard	Notre Dame	Active
Ronald Guzman	Clinton 1999	NYU	Lhigh	Active
Joan H. Lefkow	Clinton 2000	Northwestern	Wheaton	Active
John Darrah	Clinton 2000	Loyola	Loyola	Active
Amy St. Eve	Bush 2002	Cornell	Cornell	Active
Samuel Der-Yeghayan	Bush 2003	Franklin Pierce	Evangel	Active
Mark Filip	Bush 2004	Harvard	U of I & Oxford	Resigned ¹
Virginia Kendall	Bush 2006	Loyola	Northwestern	Active
Frederick Kapala	Bush 2007	U of I	Marquette	Active
Robert Dow	Bush 2007	Harvard	Yale & Oxford	Active

CENTRAL DISTRICT JUDGES

Harold A. Baker	Carter 1978	U of I	U of I	Senior
Michael P. McCuskey (C.J.)	Clinton 1997	St. Louis Univ.	ISU, Normal	Active
Joe Billy McDade	Bush 1991	Univ. of Mich.	Bradley	Active
Michael M. Mihm	Reagan 1982	St. Louis Univ.	Loras College	Active
Richard Mills	Reagan 1985	Mercer	Illinois College	Senior
Jeanne E. Scott	Clinton 1998	Northwestern	Bradley	Active

SOUTHERN DISTRICT JUDGES

David R. Herndon (C.J.)	Clinton 1998	SIU	SIU	Active
J. Phil Gilbert	Bush 1992	Loyola	U of I	Active
G. Patrick Murphy	Clinton 2000	SIU	SIU	Active
Michael J. Reagan	Clinton 2000	St. Louis Univ	Bradley	Active
William D. Stiehl	Reagan 1986	St. Louis Univ.	U of NC	Senior

¹ On March 9, 2008, Judge Filip resigned to become the Deputy Attorney General of the United States

NORTHERN DISTRICT
MAGISTRATE JUDGES

Martin C. Ashman
Geraldine Soat Brown
Jeffrey Cole
Susan E. Cox
Morton Denlow
Arlander Keys
P. Michael Mahoney
Michael T. Mason
Nan R. Nolan
Sidney I. Schenkier (*Presiding
Magistrate Judge*)
Maria Valdez

NORTHERN DISTRICT
BANKRUPTCY JUDGES

Manuel Barbosa
Bruce W. Black
Jacqueline P. Cox
Carol A. Doyle (*Chief Judge*)
A. Benjamin Goldgar
Pamela S. Hollis
Jack B. Schmetterer
John D. Schwartz
Susan Pierson Sonderby
John H. Squires
Eugene R. Wedoff

CENTRAL DISTRICT
MAGISTRATE JUDGES

David G. Bernthal
Byron G. Cudmore
Charles H. Evans
John A. Gorman

CENTRAL DISTRICT
BANKRUPTCY JUDGES

William V. Altenberger
Gerald D. Fines
Mary P. Gorman
Thomas Perkins (*Chief Judge*)

SOUTHERN DISTRICT
MAGISTRATE JUDGES

Phillip M. Frazier
Clifford J. Proud
Donald G. Wilkerson

SOUTHERN DISTRICT
BANKRUPTCY JUDGES

Kenneth J. Meyers (*Chief Judge*)